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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,660	08/05/2003	William Scott Whiting	10543	6353

7590 09/09/2004

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EXAMINER	
PRUNNER, KATHLEEN J	
ART UNIT	**PAPER NUMBER**
3751	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/634,660	WHITING, WILLIAM SCOTT	
	Examiner	Art Unit	
	Kathleen J. Prunner	3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 August 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17,19-24,26-34 and 36-40* is/are rejected.

7)☒ Claim(s) *18, 25 and 35* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 August 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because in Figs. 5A, 5B and 5C, the lead line for identifying the dotted axis line A blends in too easily with the structure of the motion sensor housing; the proper identification for an axis is to identify the line by the letter designation at each end of the axis line. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Marked-up Drawings" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 8, 14, 39 and 40 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 8 and 14 contain a term lacking proper antecedent basis. The claims recite the limitation "the case" in line 2. There is insufficient antecedent basis for this limitation in these claims.

6. Claim 39 contains a term lacking proper antecedent basis. The claim recites the limitation "the hollow case" in lines 5 and 9. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 40 contains terms lacking proper antecedent basis. The claim recites the limitations "the hollow case" in lines 7 and 14, and "the aperture" in line 8. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor et al. Taylor et al. disclose an automated sanitizer having all the claimed features including a generator 160 for generating a sanitizer, i.e., ions, and a sensor 158 operatively connected to the generator to activate and deactivate the generator (note lines 2-6 in col. 3). With respect to claim 2, Taylor

et al. also disclose a housing 106 having an interior and exterior portion (note Fig. 2C) and in which the generator 160 is disposed within the interior of the housing 106 (note Fig. 2C).

10. Claims 1-4 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Sun et al. Sun et al. disclose an automated sanitizer having all the claimed features including a generator 17 for generating a sanitizer, i.e., ozone, and a sensor 13 operatively connected to the generator 17 to activate and deactivate the generator (note lines 39-42 in col. 2). With respect to claim 2, Sun et al. also disclose a housing 10 having an interior (note Fig. 2) and exterior (note Fig. 1) portion and in which the generator 17 is disposed within the interior of the housing 10 (note Fig. 2). With respect to claim 3, Sun et al. further disclose a fan 15 disposed within the interior portion of the housing 10 for dispersing the sanitizer (note Fig. 2). With regard to claim 4, Sun et al. additionally disclose that the sensor is operatively connected to the fan 15 to activate and deactivate the fan 15 (note lines 39-42 in col. 2). With regard to claim 19, Sun et al. also disclose that the sensor 13 is a detector for detecting the level of odors, and thus the level of sanitizer, in the air. With respect to claim 20, Sun et al. further disclose that the detector 13 is operatively connected to the generator to activate or deactivate the generator when a predetermined amount of odor, and thus sanitizer, is detected by the detector (note lines 46-51 in col. 2). With regard to claim 21, Sun et al. also disclose an automated sanitizer having all the claimed features including a case 10 having an exterior (note Fig. 1) portion, an inner chamber and at least one aperture (constituted by one vent opening 20), a generator 17 for generating a sanitizer disposed within the inner chamber of the case 10, a fan 15 for dispersing the sanitizer through the at least one aperture 20 and disposed within the case 10 proximate to the at least one aperture 20 (note Fig. 2), and a sensor 13 disposed upon the exterior portion of the case 10 (note Fig. 1) and operatively connected to the generator 17 and the fan 15 to activate and deactivate the generator 17 and the fan 15 during a sanitizing cycle (note lines 39-42 in col. 2).

11. Claims 1-5, 9 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Redford. Redford discloses an automated sanitizer having all the claimed features including a generator (constituted by liquid pump 66) for generating a sanitizer (constituted by the

sanitizer/conditioner cartridge 31*a*, note Fig. 17), and a sensor or detector 206 operatively connected to the generator to activate and deactivate the generator (note lines 40-56 in col. 9). With respect to claim 2, Redford also discloses a housing 20 having an interior and exterior portion (note Figs. 4 and 7) and in which the generator 66 is disposed within the interior of the housing 20 (note Fig. 5). With respect to claim 3, Redford further discloses a fan (constituted by motor 50 and rotor 52, note lines 28-30 in col. 8) disposed within the interior portion (note Fig. 6) of the housing. With regard to claim 4, Redford additionally discloses that the sensor 206 is operatively connected to the fan to activate and deactivate the fan (note lines 40-56 in col. 9). With regard to claim 5, Redford also discloses that the sensor 206 is a motion sensor (note lines 35-36 in col. 9 and Fig. 21). With regard to claim 9, Redford further discloses that the motion sensor 206 is set to activate the generator and the fan after a predetermined period of time after detecting motion (note lines 40-56 in col. 9). With respect to claim 13, Redford additionally discloses a timer 208*a* operatively connected to the generator and the fan for activating the generator and the fan for a predetermined period of time (note lines 31-60 in col. 9).

12. Claims 1-3, 19 and 20 are rejected under 35 U.S.C. 102(a) as being anticipated by Arts et al. Arts et al. disclose an automated sanitizer (note ¶s 0002 and 0003) having all the claimed features including a generator 50 (note ¶s 0060 and 0061) for generating a sanitizer, i.e., ozone, and a sensor or detector 57 (note ¶ 0076) operatively connected to the generator 50 to activate and deactivate the generator (note the third and sixth sentences of ¶ 0076). With respect to claim 2, Arts et al. also disclose a housing 14 having an interior and exterior portion and in which the generator 50 is disposed within the interior of the housing 14 (note Figs. 1 and 2). With regard to claim 3, Arts et al. further disclose a fan (constituted by blower 32) disposed within the interior portion of the housing 14 (note Fig. 1). With regard to claims 19, Arts et al. additionally disclose that the detector 57 detects the level of sanitizer or ozone in the air (note ¶ 0076). With respect to claims 20, Arts et al. further disclose that the detector 57 is operatively connected to the generator 50 to activate and deactivate the generator 50 when a predetermined amount of sanitizer or ozone is detected by the detector 57 (note the third and sixth sentences of ¶ 0076).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Redford in view of Leen. Although Redford fails to disclose that the motion sensor 206 is capable of being rotated about an axis or aimed in a variety of directions, attention is directed to Leen who discloses a motion detector assembly having a main motion sensor 40 which can be pivotally adjusted, i.e., rotated about an axis and aimed in a variety of directions (note Fig. 5), to provide a wide adjustable viewing area (note ¶s 0003 and 0013). It would have been obvious to one of ordinary skill in the motion sensing art, at the time the invention was made, to mount the motion sensor 206 of Redford so that it can be pivotally adjusted in view of the teachings of Leen in order to provide a motion sensor having a wider viewing area.

15. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Redford in view of Uys. With respect to claim 10, Redford further discloses that the air sanitizer/deodorizer can be one of a variety of devices (note Figs. 14-16 and lines 3-16 in col. 12). Although Redford fails to disclose that the sanitizer is an ozone generator, attention is directed to Uys who disclose another air sanitizer or deodorizer in which the generator is used to generate ozone in order to deodorize, purify and clean the environment of pollution, odors, bacteria, mildew, mold and bad air viruses (note lines 5-18 in col. 1). It would have been obvious to one of ordinary skill in the air sanitizer/deodorizer art, at the time the invention was made, to form the sanitizer of Redford as an ozone generator in view of the teachings of Uys in order to effectively deodorize, purify and clean the environment of pollution, odors, bacteria, mildew, mold and bad air viruses. With respect to claim 11, Uys further teaches the obviousness of forming the electrical circuitry for the

ozone generator with a rheostat for adjusting the output or concentration of the sanitizer (note lines 12-16 and 18-24 in col. 3). With respect to claim 12, Uys also teaches the obviousness of using the rheostat in electrical communication with the fan to regulate the fan (note lines 16-18 in col. 3).

16. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Redford in view of Chasen et al. Although Redford fails to disclose a button disposed on the exterior portion of the housing for operating the timer, attention is directed to Chasen et al. who disclose another automated sanitizer or deodorizer generator for a toilet having a manual override button 60 disposed on the exterior portion of the housing (note Fig. 2) in order to enable the user to manually override the electrical system (note lines 33-43 in col. 4). It would have been obvious to one of ordinary skill in the toilet sanitizer/deodorizer art, at the time the invention was made, to provide the electrical system of Redford with a manual override button disposed on the exterior portion of the housing in view of the teachings of Chasen et al. in order to enable the user to manually override the electrical system when further sanitizing or deodorizing is deemed necessary to clear the room of obnoxious odors.

17. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sun et al. in view of Nomura et al. Although Sun et al. fail to disclose that the sanitizer includes a pressurized supplementary source of sanitizer, attention is directed to Nomura et al. who disclose another ozone sanitizer or deodorizer having a supplementary pressurized source of sanitizer 3 introduced into the ozone containing air in order to effect sanitizing or deodorizing with high efficiency (note ¶ 0012) and quickly for a particular space (note ¶ 0045). It would have been obvious to one of ordinary skill in the sanitizing/deodorizing art, at the time the invention was made, to provide the sanitizer of Sun et al. with a supplementary pressurized source of sanitizer in view of the teachings of Nomura et al. in order to effectively sanitize or deodorize with high efficiency and quickly for a particular space.

18. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun et al. in view of Sim. Although Sun et al. fail to disclose that the sanitizer has a light, attention is

directed to Sim who discloses another automated odor ventilating device having a sensor g having an indicator light (note lines 9-15 in col. 5 and lines 31-33 in col. 6). It would have been obvious to one of ordinary skill in the automated odor ventilating art, at the time the invention was made, to provide the sensor of Sun et al. with an indicator light in view of the teachings of Sim in order to provide an indication that the sensor, fan and electrical system has been activated or deactivated.

19. Claims 21, 22, 26, 27, 30, 31 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arts et al. in view of Redford. Arts et al. disclose an automated sanitizer having the claimed features including a case (constituted by housing 14) having an exterior portion, an inner chamber and at least one aperture (constituted by air outlet 30) (note Fig. 1), a generator 50 for generating a sanitizer, i.e., ozone, disposed within the inner chamber of the case 14, a fan (constituted by blower 32) for dispersing the sanitizer through the at least one aperture 30 and disposed within the case 14 proximate to the at least one aperture 30 (note Fig. 1), and a sensor 57 disposed upon the exterior portion of the case 14 (note Fig. 1) and operatively connected to the generator 50 to activate and deactivate the generator 50 during a sanitizing cycle (note ¶s 0073 and 0076). Although Arts et al. fail to disclose that the sensor or detector also activates and deactivates the fan 32, attention is directed to Redford who discloses another automated sanitizer that utilizes a motion sensor 206 to activate and deactivate the sanitizer and fan in order to effect electronic control from a remote location (note lines 31-60 in col. 9). It would have been obvious to one of ordinary skill in the automated sanitizer art, at the time the invention was made, to provide the electronic circuitry of Arts et al. with a motion sensor that effects operation of both the generator and fan in view of the teachings of Redford in order to effect electronic control from a remote location. With respect to claim 22, Redford also teaches the obviousness of using a motion sensor 206. With respect to claim 26, Redford additionally teaches the obviousness of setting the motion sensor 206 to activate the generator and the fan after a predetermined period of time after detecting motion (note lines 40-56 in col. 9). With regard to claim 27, Arts et al. further disclose that the sanitizer is ozone (note ¶s 0060 and 0061).

With regard to claim 30, Arts et al. also disclose using a timer 55 in its electronic circuit to operate the ozone generator (note ¶ 0077). Although Arts et al. fail to disclose that the timer also controls the operation of the fan, attention is directed to Redford who discloses another automated sanitizer having an electronic circuit that includes a timer 208*a* which is operatively connected to the generator and the fan for activating the generator and fan for a predetermined period of time (note lines 31-60 in col. 9) in order to effect remote control of the sanitizer device. It would have been obvious to one of ordinary skill in the automated sanitizer art, at the time the invention was made, to use the timer of Arts et al. to control the activation of both the generator and the fan in view of the teachings of Redford in order to effect remote control of the sanitizer device. With regard to claim 31, Arts et al. also disclose a button disposed on the exterior portion of the case for operating the timer (note Fig. 3 and ¶s 0078 and 0079). With respect to claim 36, Arts et al. additionally discloses that the detector 57 detects the level of sanitizer or ozone in the air (note ¶ 0076). With respect to claim 37, Arts et al. further disclose that the detector 57 is operatively connected to the generator 50 to activate and deactivate the generator 50 when a predetermined amount of sanitizer or ozone is detected by the detector 57 (note the third and sixth sentences of ¶ 0076). With regard to claim 38, Redford also teaches the obviousness of using the detector to activate and deactivate the sanitizer and fan in order to effect electronic control from a remote location (note lines 31-60 in col. 9).

20. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arts et al. in view of Redford, as applied to claims 21, 22, 26, 27, 30, 31 and 36-38 above, and further in view of Leen for the same reasons noted above in paragraph 14 supra.

21. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arts et al. in view of Redford, as applied to claims 21, 22, 26, 27, 30, 31 and 36-38 above, and further in view of Uys for the same reasons noted above in paragraph 15 supra.

22. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arts et al. in view of Redford, as applied to claims 21, 22, 26, 27, 30, 31 and 36-38 above, and further in view of Nomura et al. Although Arts et al. fail to disclose that the sanitizer includes a pressurized

supplementary source of sanitizer, attention is directed to Nomura et al. who disclose another ozone sanitizer or deodorizer having a supplementary pressurized source of sanitizer 3 introduced into the ozone containing air in order to effect sanitizing or deodorizing with high efficiency (note ¶ 0012) and quickly for a particular space (note ¶ 0045). It would have been obvious to one of ordinary skill in the sanitizing/deodorizing art, at the time the invention was made, to provide the sanitizer of Arts et al. with a supplementary pressurized source of sanitizer in view of the teachings of Nomura et al. in order to effectively sanitize or deodorize with high efficiency and quickly for a particular space.

23. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arts et al. in view of Redford, as applied to claims 21, 22, 26, 27, 30, 31 and 36-38 above, and further in view of Sim. Although Arts et al. fail to disclose that the sanitizer has a light, attention is directed to Sim who discloses another automated odor ventilating device having a sensor g having an indicator light (note lines 9-15 in col. 5 and lines 31-33 in col. 6). It would have been obvious to one of ordinary skill in the automated odor ventilating art, at the time the invention was made, to provide the sensor of Arts et al. with an indicator light in view of the teachings of Sim in order to provide an indication that the sensor, fan and electrical system has been activated or deactivated.

24. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kasting, Jr. et al. in view of Uys and Redford. Kasting, Jr. et al. disclose an automated sanitizer (note lines 7-10 in col. 1) having the claimed features including a case (constituted by housing 12) having an exterior portion and an inner chamber (note Fig. 1), a generator 36 for generating a sanitizer disposed within the inner chamber of the case 12 (note Fig. 1), a timer 92 mounted within the inner chamber of the case 12 (note Fig. 1) and operatively connected to the generator 36 to activate and deactivate the generation of sanitizer (note lines 48-51 in col. 7), and a button (constituted by control knob 95) disposed on the exterior portion of the case 12 (note Fig. 1) for manually activating the timer 92. Kasting, Jr. et al. also disclose that the electrical circuit for the generator includes a transformer 56 (note lines 64-67 in col. 5) and a potentiometer (note line 51

in col. 7) for controlling the transformer 56. Although Kasting, Jr. et al. fail to disclose that the potentiometer is a rheostat, attention is directed to Uys who discloses another automated sanitizer having a generator 38 provided with an electrical circuit that includes a transformer 32 and a rheostat or potentiometer for controlling the transformer (note lines 12-16 in col. 3) in order to provide an improved, safe and durable ozonizer (note lines 51-53 in col. 1). It would have been obvious to one of ordinary skill in the automated sanitizer art, at the time the invention was made, to substitute for the potentiometer of Kasting, Jr. et al., the rheostat as, for example, taught by Uys wherein so doing would amount to mere substitution of one electronic control device for another that would work equally well in the Kasting, Jr. et al. device. Although Kasting, Jr. et al. fail to disclose a motion sensor for activating the timer, attention is directed to Redford who discloses another automated sanitizer having an electronic remote control unit 200 that utilizes a motion sensor 206 to activate the timer 208*a* in order to effect activation of the sanitizer from a remote location (note lines 31-60 in col. 9). It would have been obvious to one of ordinary skill in the automated sanitizer art, at the time the invention was made, to provide the sanitizer of Kasting, Jr., et al. with a motion sensor to activate the timer in view of the teachings of Redford in order to effect activation of the sanitizer from a remote location.

25. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kasting, Jr. et al. in view of Kunimoto et al. and Uys. Kasting, Jr. et al. disclose an automated sanitizer (note lines 7-10 in col. 1) having the claimed features including a case (constituted by housing 12) having an exterior portion and an inner chamber (note Fig. 1), a generator 36 for generating a sanitizer disposed within the inner chamber of the case 12 (note Fig. 1), an electronically controlled timer 92 mounted within the inner chamber of the case 12 (note Fig. 1) and operatively connected to the generator 36 to activate and deactivate the generation of sanitizer (note lines 48-51 in col. 7), a fan 70 disposed within the inner chamber of the case proximate to the aperture or air inlet 66 (note Fig. 1), and a button (constituted by control knob 95) disposed on the exterior portion of the case 12 (note Fig. 1) for activating the timer 92. Although Kasting, Jr. et al. fail to disclose the use of a programmable timer/processor, attention is directed to Kunimoto et al. who discloses

another automated sanitizer or deodorizer having a programmable timer/processor (constituted by microcomputer 32) in order to improve the deodorizing efficiency of the device. It would have been obvious to one of ordinary skill in the automated sanitizer art, at the time the invention was made, to provide the electronically controlled timer of Kasting, Jr. et al. with a programmable timer/processor device in view of the teachings of Kunimoto et al. in order to improve the deodorizing efficiency of the device. Although Kasting, Jr. et al. fail to disclose a motion sensor for activating the timer, attention is directed to Kunimoto et al. who discloses another automated sanitizer or deodorizing device having an electronic remote control unit that utilizes a motion sensor or a human body detector 29 to activate the timer in order to improve the deodorizing efficiency of the device. It would have been obvious to one of ordinary skill in the automated sanitizer or deodorizer art, at the time the invention was made, to provide the sanitizer of Kasting, Jr., et al. with a motion sensor to activate the timer in view of the teachings of Kunimoto et al. in order to improve the deodorizing efficiency of the device and effect activation of the sanitizer automatically. Kasting, Jr. et al. also disclose that the electrical circuit for the generator includes a transformer 56 (note lines 64-67 in col. 5) and a potentiometer (note line 51 in col. 7) for controlling the transformer 56. Although Kasting, Jr. et al. fail to disclose that the potentiometer is a rheostat, attention is directed to Uys who discloses another automated sanitizer having a generator 38 provided with an electrical circuit that includes a transformer 32 and a rheostat or potentiometer for controlling the transformer (note lines 12-16 in col. 3) in order to provide an improved, safe and durable ozonizer (note lines 51-53 in col. 1). It would have been obvious to one of ordinary skill in the automated sanitizer art, at the time the invention was made, to substitute for the potentiometer of Kasting, Jr. et al., the rheostat as, for example, taught by Uys wherein so doing would amount to mere substitution of one electronic control device for another that would work equally well in the Kasting, Jr. et al. device.

Allowable Subject Matter

26. Claim 8 would be allowable if it is rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

27. Claims 18, 25 and 35 are objected to as being dependent upon rejected base claims, but would be allowable if they are rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Conclusion

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kathleen J. Prunner whose telephone number is 703-306-9044.

29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on 703-308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kathleen J. Prunner

August 31, 2004

GREGORY L. HUSON
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